

Docket No.: 58799-016

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer Number: 20277
Kazunori YAMANAKA, et al.	:	Confirmation Number: 3839
Serial No.: 09/623,273	:	Group Art Unit: 3746
Filed: October 01, 2001	:	Allowed: May 11, 2004
	:	Examiner: T. J. Kim
For: GAS TURBINE UNIT AND ITS COOLING METHOD	:	

COMMENT ON STATEMENT OF REASONS FOR ALLOWANCE,
UNDER 37 C.F.R § 1.104(e)

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants received the Examiner's Statement of Reasons for Allowance with the May 11, 2004 Notices of Allowance and Allowability regarding the above identified application. For at least the reasons that follow, entry of the Statement of Reasons for Allowance into the record should not be construed as any agreement with or acquiescence by Applicants in the reasoning stated by the Examiner, particularly to the extent if any that such statement might be construed as a narrowing of scope or surrender of coverage.

First, the statement asserts that the combination of language from original claims 5 and 8 renders claim 8 is patentable. Amended claim 8 has been allowed. Further, the statement merely repeats the language of amended claim 8, substantially verbatim. Since the wording of amended claim 8 is already clear in the record, repetition in the Statement is unnecessary and should not be construed as placing any particular emphasis on any or all of the words in that claim.

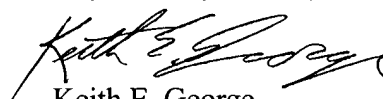
Also, the Statement concludes that the other allowed claims are of similar scope. This assertion is clear error. Each of the allowed claims specifies a different scope of protection. It may be helpful to compare claims 7 and 8, as an illustration that the other claims are not of "similar scope." The cited language from claim 8 includes a recitation that the dust collecting means "is disposed below the second compressor." Claim 7 does not. To the contrary, claim 7 states that the second compressor raises "the pressure of the gas having passed through the dust-collecting means to a desired level." It is respectfully submitted that the other allowed claims (9, 10, 20 and 26) also differ in scope from claim 8.

Each allowed claim (7-10, 20 and 26) is separately patentable over the art of record. The allowed claims should be entitled the broadest reasonable interpretation and broadest range of equivalents that are appropriate in light of the language of the claims, the supporting disclosure and the history of this case, without reference to the Examiner's Statement of Reasons for Allowance.

To the extent necessary, if any, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT WILL & EMERY LLP



Keith E. George
Registration No. 34,111

600 13th Street, N.W.
Washington, DC 20005-3096
(202) 756-8000 KEG:MWE
Facsimile: (202) 756-8087
Date: August 5, 2004